

Message Text

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PAGE 01 STATE 159619

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TO AMEMBASSY BOGOTA IMMEDIATE

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E.O.11652:NA

TAGS: MARR, CO

SUBJECT:MILITARY MISSION AGREEMENT

REFS: BOGOTA 5790, STATE 073746

1. ALL CHANGES PROPOSED BY COLOMBIAN MINISTRY OF
DEFENSE TO U.S. DRAFT OF REVISED MILITARY MISSION
AGREEMENT ARE ACCEPTABLE EXCEPT AS NOTED BELOW.

A. FOR PURPOSES OF CLARITY AND ACCURACY, FOLLOWING
CHANGES IN ARTICLES 3 AND 4 SHOULD BE PROPOSED TO GOC.

(1) ARTICLE 3, LINE 8: "IN AGREEMENT WITH THE
CORRESPONDING CHIEFS OF MISSION AS ARE APPROVED BY
THE COMMANDING GENERAL OF THE ARMED FORCES..." VICE
"IN COORDINATION WITH THE CORRESPONDING CHIEFS OF
MISSIONS THAT MAY BE APPROVED BY THE COMMANDING GENERAL
OF THE ARMED FORCES ..." IN ENGLISH TEXT. REASON:
"ARE" SEEMS BETTER ENGLISH TRANSLATION OF SPANISH
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PAGE 02 STATE 159619

SUBJUNCTIVE "SEA" THAN "MAY BE". ALSO "AGREEMENT"
PREFERIBLE TO "COORDINATION".

(2) ARTICLE 4, LINE 4: "AFTER PRIOR AGREEMENT WITH"
VICE "AFTER PRIOR CONSULTATION WITH...".

THE ABOVE CHANGES PREFERRED BUT NEED NOT BE INSISTED
UPON.

B. ARTICLE 8, LINES 2-3: COMMAS SHOULD BE DELETED
AFTER "DUTIES" AND "UNITED STATES".

C. ARTICLE 15 (NEW), LINE 3: "ARTICLE 14" VICE
"ARTICLES 14 AND 15".

D. ARTICLE 16 (NEW), LINE 5: "ALLPERSONNELOF THE
SERVICE MISSION CONCERNED" VICE "MEMBERS OF THESE
MISSIONS". OBJECTIVE HERE IS CLEAR UNDERSTANDING THAT
EXEMPTION FROM CUSTOMS PAYMENTS WILLBEENJOYED BY
BOTH ACCREDITED AND NON-ACCREDITED MEMBERS OF THE
MISSION.

E. ARTICLE 17 (NEW), LINE 4: "PROVIDED" VICE "BEING".
REASON: CLARITY.

F. ARTICLE 20 (NEW), LINE 2: SHOULD CONTINUE TO READ
"IF ANY ACCREDITED MEMBER OF A MISSION OR ANY MEMBER
OF HIS FAMILY ...". REASON: CLARITY AND ACCURACY.

2. WITH RESPECT TO ARTICLE 22 (NEW), REQUEST FOLLOWING
NEW LANGUAGE BE PROPOSED TO GOC: "AS USED IN THIS
AGREEMENT, THE TERM "FAMILY" IS UNDERSTOOD TO
INCLUDE ONLY THOSE FAMILY MEMBERS FORMING PART
OF THE HOUSEHOLD." PURPOSE HERE IS TOACHIEVE
BROADER APPLICABILITY OF PRIVILEGES AND IMMUNITIES
UNDER ARTICLE 11 (NEW) THAN WOULD BE CASE WITH
DEFINITION OF "FAMILY" IN ARTICLE 22 (NEW) AS PROPOSED
BY GOC. SHOULD GOC QUESTION THIS FORMULATION, EMBASSY
SHOULD POINT OUT THAT THIS LANGUAGE IS DERIVED FROM,
AND PARALLELS, THAT OF ARTICLE 37 OF THE VIENNA
CONVENTION ON DIPLOMATIC RELATIONS, TO WHICH BOTH USG
AND GOC ARE PARTIES, AND HENCE IS PARTICULARLY WELL
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PAGE 03 STATE 159619

SUITED TO THE PURPOSE. FYI. IT MAY BE THAT APPARENT
GOC RELUCTANCE TO ACCEPT BROAD CHARACTERIZATION OF
"FAMILY" IN ARTICLE 22 (NEW) DUE TO FEAR OF INCREASED
TRANSPORTATION COSTS TO BE BORNE BY GOC UNDER
ARTICLES 14 AND 20 (NEW) OF DRAFT, RATHER THAN RELATED
TO SCOPE OF ARTICLE 11 (NEW). IF THIS IN FACT CASE,
EMBASSY MAY PROPOSE MORE SPECIFIC DEFINITION OF PERSONS

COVERED UNDER LATTER PROVISIONS (E.G., "SPOUSE AND DEPENDENT CHILDREN" OR "SPOUSE AND LEGAL MINOR CHILDREN" VICE "FAMILY" IN ARTICLES 14 AND 20 (NEW)) IN EXCHANGE FOR ABOVE LANGUAGE. END FYI.

3. IN ADDITION TO ABOVE CHANGES, FOR PURPOSES OF CLARITY WE WOULD PREFER THAT TITLES OF MISSIONS AND CHIEF OF MISSION BE CONSISTENT THROUGHOUT AGREEMENT. ACCORDINGLY, WE SUGGEST THAT PARENTHETICAL

"(HEREINAFTER REFERRED TO GENERALLY AS SERVICE MISSION)" BE INSERTED IN ARTICLE 3 AFTER PHRASE "THE ARMY, NAVY, AND AIR FORCE MISSIONS" AND USED ACCORDINGLY IN REMAINDER OF AGREEMENT, AND THAT MISSION COMMANDERS BE REFERRED TO AS "CHIEF OF SERVICE MISSION" THROUGHOUT. SHOULD GOC OBJECT TO SUGGESTED FORMULATIONS, EMBASSY MAY AGREE TO OTHER REASONABLY CLEAR DESIGNATIONS AT ITS DISCRETION.

4. TWO-STEP PROCEDURE OF SIGNATURE OF TEXT AND SUBSEQUENT CONFIRMATION BY EXCHANGE OF NOTES AS SET OUT IN ARTICLE 31 OF DRAFT INTENDED TO MEET SITUATION WHERE GOC REQUIRED TO SUBMIT AGREEMENT TO LEGISLATURE PRIOR TO ITS ENTRY INTO FORCE. WE NOW UNDERSTAND THAT LEGISLATIVE APPROVAL NOT REQUIRED SO THAT TWO-STEP PROCEDURE NOT NECESSARY. INASMUCH AS ALL PARTIES PREFER AGREEMENT TO ENTER INTO FORCE ASAP, REQUEST EMBASSY PROPOSE REPLACEMENT OF CURRENT DRAFT ARTICLE 31 WITH FOLLOWING NEW ARTICLE 31: "THIS AGREEMENT SHALL ENTER INTO FORCE UPON ITS SIGNATURE BY THE DULY ACCREDITED REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA." SHOULD OUR UNDERSTANDING CONCERNING COLOMBIAN LEGAL REQUIREMENTS BE INACCURATE, LIMITED OFFICIAL USE

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PAGE 04 STATE 159619

OR SHOULD GOC BE RELUCTANT TO ACCEPT REVISED ARTICLE 31, EMBASSY MAY AGREE TO RETENTION OF PROVISION AS NOW DRAFTED AND SHOULD NOTIFY DEPARTMENT SOONEST FOR INSTRUCTIONS AND APPROPRIATE TEXT OF CONFIRMING EXCHANGE OF NOTES.

5. AUTHORIZATION TO CONCLUDE AGREEMENT TO FOLLOW UPON SATISFACTORY RESOLUTION OF FOREGOING POINTS WHICH REPRESENT ONLY REMAINING DIFFERENCES. IN ORDER TO SPEED LANGUAGE CERTIFICATION OF SPANISH TEXT, REQUEST EMBASSY TRANSMIT SPANISH AS WELL AS ENGLISH VERSION OF CHANGES AS MAY BE AGREED UPON ALONG ABOVE LINES IN DISCUSSIONS WITH GOC. KISSINGER

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